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09/766,032	01/19/2001	Gary L. Bennis	5437cp	7928

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11/09/2006

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EXAMINER

ROWAN, KURT C

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/766,032
Filing Date: January 19, 2001
Appellant(s): BENNIS, GARY L.

MAILED

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GROUP 3600

Carl L. Johnson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 15, 2006 appealing from the Office action mailed November 16, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on March 21, 2006 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 18, 19 and 22 are rejected as under 35 USC 102 (b) as being anticipated by Riead.

(10) Response to Argument

Applicant argues that Riead does not show a fishing bobber having a force to displace a resiliently displaceable member to a down position as being **substantially** equal to the buoyant force of a bobber main body so that when the resiliently displaceable member is in the down position the bobber main body is submerged, but the claim recites "about" not **—substantially—**. There is a large difference in the meanings of those terms with "about" being much broader. Riead shows a fishing bobber having all of the structure shown in the claims with element 62 and connected parts such as wire hook 72, contact 40, and stem 56 being interconnected to be pulled down by the force of a fish biting. As these elements are being pulled down, the bobber is also being pulled down since the spring resists being compressed. Since the bobber only has a slight amount of buoyancy (column 4, lines 28-35), only a small pull is required to pull it down. Since the spring 64 is small, it would have a small spring constant and hence the total force to compress the spring is about equal to the total force to submerge the bobber main body to thereby allow simultaneous submersion of the bobber main body and displacement of the member with respect to the bobber main body so as to provide a gradual resistance. The term "gradual" is also relative. It should be pointed out that specific numbers for the buoyant force or the spring constant have not been given. As

stated by applicant, Riead says that the light will lit by an additional leader load less than that required to submerge the float **totally**. For this to occur, the float is clearly in the process of simultaneously submerging as the lamp is turned on, and hence, the spring constant is about equal to the spring constant of the bobber in water or the total force to compress the spring with respect to the bobber main body is about equal to the total force to submerge the bobber main body and resiliently displaceable member. It should be pointed out from the preceding section that Riead has the bobber start to sink as the pull on the leader increases. The light turns on as the bobber is starting to be pulled under the water. Clearly, Riead does not want the lamp to be switched on after the bobber is under the water surface, but the two events, the bobber being pulled under and the lamp being lit happen together. Riead also meets the limitations of claim 22, since when the resilient member is moved to the down position by a force on the member sufficient to overcome at least some if not all of the buoyant force of the bobber main body to thereby allow the simultaneous submersion of the bobber main body and the displacement of the member with respect to the bobber main body so as to provide a gradual increase in the resistance. As to the washer 62 of Riead being submerged before Riead's body is submerged, this appears to be the case, but it is not clear what effect this has since the patent to Riead still function in the same manner as that of the present invention. Applicant argues that Riead does not provide for a gradual resistance, but this is incorrect this is a function of the force being exerted on the fishing line or leader by the fish.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

KR


KURT ROWAN
PRIMARY EXAMINER
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Conferees:

PP 

DA 